
IN THE MATTER OF THE PETITION OF
WILLIAM J. AUBLE FOR ANNEXATION
BY THE VILLAGE OF TRUMANSBURG
OF LANDS IN THE TOWN OF ULYSSES
BEING TAX PARCEL NUMBERS 11.-2-7.1
AND 11.-2-4

**FINDINGS, RESOLUTIONS AND ORDER
OF THE VILLAGE OF TRUMANSBURG PURSUANT TO
ARTICLE 17 OF THE NEW YORK STATE
GENERAL MUNICIPAL LAW**

A Petition (the “Petition”) having been filed by William J. Auble for the annexation of certain property in the Town of Ulysses to the Village of Trumansburg, and a joint public hearing of the governing Boards of the Town of Ulysses and the Village of Trumansburg having been held on June 4, 2007 in accordance with Section 705 of the General Municipal Law of the State of New York, the Board of Trustees of the Village of Trumansburg hereby makes the following findings and thereupon adopts the following resolutions and order based upon such findings, all in accordance with Section 711 of the General Municipal Law of the State of New York:

FINDINGS

1. The Petition of William J. Auble (hereinafter the “Petitioner”) dated April 19, 2007 for the annexation of Town of Ulysses Tax Parcel Numbers 11.-2-7.1 and 11.-2-4 (the “Petition”) was filed in the offices of the Village Clerk of the Village of Trumansburg on April 30, 2007. A copy of the Petition is attached hereto as Exhibit A.

2. Pursuant to the provisions of Section 704 of the General Municipal Law of the State of New York (hereinafter the “General Municipal Law”), the Village of Trumansburg (hereinafter the “Village”) caused notice of the required joint public hearing on the Petition to be published in the Ithaca Journal, the official newspaper of the Village, on May 12, 2007.

3. Pursuant to the provisions of Section 704 of the General Municipal Law of the State of New York, the Town of Ulysses (hereinafter the “Town”) caused notice of the required joint public hearing on the Petition to be published in the Ithaca Journal, the official newspaper of the Town, on May 14, 2007.

4. Notice of the joint public hearing was duly posted by the Village on May 11, 2007.

5. On May 11, 2007, the Village caused a copy of the notice of joint public hearing to be mailed to (i) the Petitioner (the Petitioner allegedly being the sole owner of property within the territory proposed to be annexed) and (ii) all persons residing within the territory proposed to be annexed qualified to vote for officers of the Town as their names appear upon the register of voters for the last preceding general election.

6. The Village also caused a copy of the notice of joint public hearing to be mailed to the Trumansburg Central School District on May 11, 2007.

7. The joint public hearing of the Village and Town, as the two governing boards of the involved municipalities, was held at the Trumansburg High School Auditorium on June 4, 2007 in accordance with the notices as published, posted and mailed.

8. In attendance at the joint hearing were (i) the Mayor and the four Trustees of the Village, the attorney for the Village, and the Village Clerk; and (ii) the Town Supervisor and the four members of the Town Board, the attorney for the Town, and the Town Clerk.

9. John Hrubos, the Deputy Mayor of the Village, presided at the hearing by agreement of the members of the participating Boards.

10. Comments were received from various members of the public in attendance at the joint public hearing, including the attorney for the Petitioner, residents of the Town (including those residing within the territory proposed to be annexed and those residing outside of the proposed are to be annexed), and residents of the Village. Elected officials of both the Village and Town offered comment as well. All of the persons who spoke raised questions, comments, concerns and issues as set forth in the stenographic record of the proceedings attached hereto as Exhibit B. No representative from the Trumansburg Central School District spoke at the hearing.

11. The attorney for the Village confirmed at the outset of the joint public hearing that (i) the required notices of public hearing for the Village had been published in a timely fashion as indicated above, (ii) the hearing was being held within the time period required, and (iii) the Village Clerk had certified in writing that the mailing of notices to the Petitioner, his attorney, the Town Clerk and the School District had been accomplished as required. The attorney for the Town similarly confirmed the Town's procedural compliance as to the holding of the public hearing and the notice and mailing requirements therefor.

12. The Village subsequently held a public information meeting on July 11, 2007, again at the Trumansburg High School Auditorium, at which further public comment was heard from residents of the Town (including those residing within the territory proposed to be annexed and those residing outside of the proposed are to be annexed), residents of the Village, and elected officials of

both the Village and the Town. All of the persons who spoke raised questions, comments, concerns and issues as set forth in the stenographic record of the proceedings attached hereto as Exhibit C.

13. The attorney for the Village has advised the Village Board of Trustees as to his review of the Petition and his determination that the Petition appears to be compliant with the spirit and substance of Section 703 of the General Municipal Law. Accordingly, the Village hereby determines that the Petition substantially complies in form and content with the provisions of Article 17 of the General Municipal Law, and specifically finds that (i) the Petition appears to have been properly signed by "the owners of a majority in assessed valuation of the real property in such territory assessed upon the last preceding assessment roll of, or utilized by, the local government or governments in which it is situated" as provided by Section 703 of the General Municipal Law of the State of New York -- that being only the Petitioner, the sole owner of all property within the territory, who are thereby fully qualified as the signatories of the Petition; (ii) the Petition has attached thereto the required certificate of the assessor responsible for the preparation of the assessment roll certifying the foregoing; and (iii) the signatures on the Petition appear to have been properly authenticated as required.

14. By letter dated July 26, 2007, the Tompkins County Planning Department submitted its response to the Village of Trumansburg with respect to the referral of the proposed action pursuant to General Municipal Law Section 239 -l and -m, which response indicated that the proposed action has no negative inter-community or county-wide impacts, and also offered comments (which are not formal recommendations) regarding (i) the establishment of zoning classification for the annexed area and the timing thereof, (ii) the inclusion of the annexed property in the Village's Comprehensive Plan, and (iii) two issues similarly cited by the Village Board as to the accuracy and sufficiency of certain of the information provided in Part 1 of the Full EAF.

15. The Village Board of Trustees, in performing the lead agency function for the environmental review of this action, and in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), held a public hearing on August 15, 2007 regarding specifically (i) the potential adverse environmental effects, if any, related to the proposed annexation and (ii) the Village Board of Trustees' review of the proposed annexation under SEQR. Following such public hearing, and after final review and evaluation of the potential adverse environmental effects associated with the proposed annexation, the Village Board of Trustees made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the proposed annexation, and determined that an Environmental Impact Statement was not required. A copy of the Village Board of Trustees'

resolution adopting its Negative Declaration is attached hereto as Exhibit D.

16. To the extent applicable to the Village, as the municipal entity in which the subject property (currently a part of the Town) is proposed to be annexed, the Village acknowledges that it will be bound by (i) the provisions of subdivision 1 of Section 707 of the General Municipal Law as to the disposition of real and personal property, if any, owned by the Town, and (ii) the provisions of subdivision 1 of Section 708 of the General Municipal Law as to the assumption by the Village of its apportioned share of indebtedness and/or contract or other liabilities, if any, for which the Town is liable. To the best of the Village's knowledge, no agreements have been entered into by and between the Village and the Town related to the foregoing matters.

17. The Village Board of Trustees hereby makes the following specific findings and determination in accordance with Section 711 of the General Municipal Law of the State of New York as to whether the proposed annexation is or is not in the overall public interest:

A. The Petitioner has sufficiently demonstrated that the premises proposed to be annexed (being situated in an area of the Town which is adjacent to the Village and where some development has occurred and should likely continue to occur) may not be able to be effectively further developed as part of the Town due to (i) the unavailability and/or limited availability of municipal services and (ii) the cost of such services when provided by the Village to users outside of the Village boundaries. Development plans may therefore be restricted or limited. Public water and sewer infrastructure expansion may also be limited due to current restrictions and regulatory requirements (e.g., recent directives as to sufficient sources of water) affecting service and delivery capacities for properties both within and outside of the Village boundaries.

B. Municipal services such as public water/sewer and limited police protection that are currently available (some at increased costs -- i.e., at costs higher than those charged to Village residents) will in all likelihood continue to be available from the Village if the territory were to be annexed as proposed, presumably at a lower cost than now charged to the residents of that area. Additionally, the provision of such services to the proposed property, if annexed, will very likely enable Petitioner (and/or subsequent owners of some or all of such property) to pursue development plans that may benefit the Village, the Town and the territory to be annexed, and thereby improve upon the current unity of purpose, facilities and community that exists in the area. Because of existing infrastructure, any such development and accompanying extension of services will very likely, over a period time, (i) enhance the provision of such services to

properties nearby; (ii) better coordinate the delivery of municipal services; (iii) provide a more cost effective way to maintain and extend such services by spreading such cost over a larger number of residents and taxpayers; and (iv) promote what hopefully will be new intermunicipal cooperative efforts between the Village and the Town (including long-term planning with respect to municipal services). It is anticipated that such benefits will also include the enhanced ability to obtain grants, funding and other financial incentives for infrastructure and service improvements for the Village and the Town. The Village believes that some or all of the foregoing potential benefits may not be available and/or realized if the proposed territory is not annexed.

C. As demonstrated by the Financial Cost/Benefit Analysis prepared and adopted by the Village, there will very likely be long term financial benefits to the Village, including increased revenues and increased assessment valuations for the annexed property and additional properties adjacent thereto. It is recognized that the accomplishment of such long-term benefits will be preceded by what are likely to be short-term reductions in revenues, particularly reductions related to the elimination of the higher rates currently charged for services provided to parties outside of the Village boundaries

D. Although somewhat speculative in nature, it has been commented and suggested that the annexation of the proposed property and its contemplated use and development may serve to (i) enhance, grow and coordinate needed commercial areas within the Village and the adjacent area of the Town proposed for annexation, (ii) protect the Village's boundary from uses and/or development that could be inconsistent with and/or injurious to the Village's best interests, (iii) maintain and build upon the unity of purpose and community that exists in the area, (iv) better pursue alternative affordable housing options that are currently lacking in the Village, (v) enable the Village to finally enforce a 2003 Manufactured Home Park (MHP) Law which requires that a MHP exist within the Village, and (vi) provide economic development, jobs and other economic benefits to both the Village and the Town. It is believed that some or all of such benefits will in fact be achievable. In addition, given the recent commercial development outside of the Village's current boundaries, inclusion of the proposed annexation property in the Village may aid in re-capturing such development opportunities without adverse effects to the Town or the annexed property. Likewise, annexation could provide a means for future access to infrastructure that might result in beneficial private sector business investment in the area and the related benefits thereof. Notwithstanding the unfinished business of the Village's Comprehensive Plan and Zoning Law amendments, it appears

that these potential benefits might be more effectively considered and taken advantage of at this time rather than risking the loss of that opportunity in the future.

E. With proper planning and the implementation of appropriate land use regulations applicable to the property proposed for annexation, it is anticipated that the uses on such property will be consistent with the Village's current Comprehensive Plan and Zoning Law amendment efforts. Those efforts are ongoing and a timetable has been established for the anticipated completion of this long-standing endeavor. It is anticipated that the Tompkins County Comprehensive Plan and its recommended "nodal" pattern of development will also provide land-use guidance for the Village. Such continuing land use planning and regulatory oversight may include immediate rezoning of some or all of the annexed area and/or the enactment of a moratorium period during which more informed and timely decisions can be made in conjunction with the finalization of the updated Comprehensive Plan and Zoning Law amendments.

F. The Village Board of Trustees recognizes that the approval of the annexation may endanger the funding for the currently proposed Water District #5, which proposed District, if created, could act as an alternative water source for the Village. However, the Board also recognizes that there are other alternative water sources for the Village that would satisfy New York State and Tompkins County Health Department Codes. Additionally, the Board recognizes that the approval of the annexation in no way prevents the Town of Ulysses from going forward with proposed Water District #5.

G. The Village Board of Trustees acknowledges and finds (i) that the annexation of the proposed property and its potential benefits as described in these Findings come with potential costs and risks, (ii) that the inclusion of other adjacent and nearby properties in the proposed annexed territory would have benefited the Village, the Town and the respective owners of those parcels, and (iii) that the irregular shape of the Village boundary created by this proposed annexation is less than desirable. Finally, it is recognized that the proposed annexation will result in the creation of an area of the Town that is non-contiguous with the remainder of the Town, a result that arguably will, in some respects, nullify the otherwise achieved goal of creating unity of purpose and facilities to constitute a community for all parties involved.

H. The Annexation will allow for installation of sidewalks from Trumansburg Country

Estates to NYS Route 96 where none currently exist. This will improve improve safety, walkability and access to public transportation in the Village.

I. The annexation provides the opportunity for the residents in the annexed parcels to have greater representation on the local level by now being able to participate in Village elections.

J. The Village Board did not consider relevant to this annexation matter animosities derived from prior petitions.

K. Upon careful review and evaluation, it is hereby determined that the potential benefits of the proposed annexation as provided herein are likely to outweigh the potential detriments. The Village also finds that with the strategic inclusion of this property in the Village, the establishment of zoning and other land use regulations (consistent with current efforts in addressing Comprehensive Plan and Zoning Law amendment issues) for such property, and the anticipated proper planning determinations to be made by the Village Board of Trustees and Planning Board, the Village can and very likely will achieve the benefits of annexation while at the same time accomplishing the requisite unity of purpose and facilities to constitute a community and maintaining the core nature of the Village. It is acknowledged that previous Village Boards, in reviewing similar annexation petitions for this same property submitted in the past (including the most recent one in 2003), concluded, in some cases based in part upon a Financial Cost/Benefit Analysis similar to the one prepared at this time, that the then proposed annexation would not be in the overall public interest. In light of (i) the somewhat significant changes that have occurred in recent years as to development projects in and around the Village, (ii) further comprehensive plan, zoning and land use studies undertaken by the Village and Tompkins County, (iii) a longer view cost/benefit analysis and approach as applied to the currently proposed annexation, (iv) changing needs, requirements and availability with respect to public services, and (iv) all other relevant factors, it is this Board's finding, based upon all of the foregoing, that the proposed annexation is at this time in the overall public interest of the Village, the Town and the territory to be annexed.

RESOLUTIONS

NOW, THEREFORE, based upon all of the foregoing findings, it is hereby:

RESOLVED, that Petitioners' Petition substantially complies in form and content with Article 17 of the General Municipal Law; and it is further

RESOLVED, that the proposed annexation described in said Petition is hereby deemed to be in the overall public interest; and it is further

RESOLVED, that the proposed annexation as described in said Petition is hereby approved by the Village Board of Trustees.

ORDER

HEREBY ORDERED, that copies of the foregoing findings, resolutions and determinations set forth therein, all of which are hereby incorporated by reference into this Order, together with the Petition, notice of public hearing, written objections, if any, and testimony and minutes of proceedings taken and kept on the hearing, be filed in the offices of the clerks of the Village and Town as the affected local governments.

Dated: _____

Mayor

Dated: _____

Trustee

Dated: _____

Trustee

Dated: _____

Trustee

Dated: _____

Trustee